IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE : G.ROHINI

WRIT PETITION No. 10966 of 2004

Between:

1 Sadanala Trimuthulu, S/o Veeraswamy

2 Mudunuri Gopala Krishna Rao S/o Narasimha Rao

3 Ganta China Satyam alias Satyanarayana, S/o. Ramamurthy

4 Devina Ramu S/o Somanna

(All are Agricultural Coolies, R/o. 19th Ward, Tadepalli Gudem,
West Godavari District.)

..... PETITIONERS

AND

1 The District Collector, West Godavari District at Eluru.
2 The Revenue Divisional Officer, Eluru.
3 The Mandal Revenue Officer, Tadepalligudem.
4 The Mandal Revenue Officer, Pentapadu.
5 The Commissioner, Tadepalligudem Municipality, Tadepalligudem.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records in ROC No. 701/2003 of the R.D.O. Eluru pertaining to the acquisition of land situate in Sy.Nos. 428, 409, 406, 431, 407, 408 & 400 on the Eastern side of Kunchenapalli-Juvvalapalem road and issue a writ, order or direction particularly one in the nature of writ of Mandamus directing the Respondents herein not to proceed with the acquisition of residential houses of the petitioners and 60 other agricultural coolies in the area locally known as Tulupulammathalli Karraguttu residential area.

For the Petitioners : Mr.S.C.RANGAPPA, ADVOCATE

For the Respondents : G.P. FOR REVENUE

The Court made the following :

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ORDER: (per the Hon'ble the Chief Justice Sri Devinder Gupta)

Petitioners four in number alleging that they are agricultural coolies and are residing in 19th Ward of Tadepalligudem, West Godavari district, filed this petition seeking action against respondents not to proceed with acquisition of their residential houses and residential houses of 60 other agricultural coolies in the area locally known as Tulupulammathalli Karragattu residential area. Petitioners claim that there is need and also proposal to construct 'second summer storage water tank' in Tadepalligudem Town due to increase in population and Municipal Council passed a resolution for construction of 'second summer storage water tank'. Having come to know of the Municipal authorities' proposal to construct the 'second summer storage water tank' in petitioners' land, they submitted a representation to the authorities concerned through the then M.L.A. stating that the construction of proposed tank in the residential area will cost immense harm and hardship. Therefore, different area situate on the eastern side of Kunchenapalli-Juvvalapalem road was considered fit for the purpose of 'second summer storage water tank'. But now the authorities intend to construct storage tank in their area and for that purpose they intend to acquire the area which is occupied by the petitioners. Petitioners claim that no public purpose will be served by ousting them and instead construction of 'second

summer storage water tank' on the eastern side of Kunchenpalli-Juvvalapalem area will be less expensive since it is an agricultural land.

In such like matters, at the behest of persons who are claiming to be occupying the land, there cannot be any interjection at a stage, even according to petitioners, when steps have not been taken to notify the area for being acquired. In case, at any time, authorities would initiate proceedings to acquire the land under the provisions of the Land Acquisition Act, 1894, nothing prevents the petitioners, in case they are 'persons interested' to file their objections in accordance with law that the area need not be acquired, for reasons to be disclosed by them. Which area is suitable for public purpose is best left to the discretion of the authorities who have to acquire the land, for which there cannot be any interference by this Court.

With leave and liberty granted to the petitioners, writ petition is dismissed as premature.

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DEVINDER GUPTA, C.J

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G.ROHINI, J

Dated: 6th July 2004.

NMR/DA

To

1 The District Collector, West Godavari District at Eluru, W.G. district.
2 The Revenue Divisional Officer, Eluru, West Godavari district.
3 The Mandal Revenue Officer, Tadepalligudem, West Godavari dist.

4 The Mandal Revenue Officer, Pentapadu, West Godavari dsitrict.
5 The Commissioner, Tadepalligudem Municipality, Tadepalligudem,

West Godavari district.

6 Two CCs to the G.P. for Revenue, High Court of A.P., Hyderabad.

7 Two CD copies.